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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ELAINE L. CHAO, Secretary of Labor, the  
 United States Department of Labor,

Case No. CV 08-5084 JL

Plaintiff,

vs.

~~(proposed)~~ ORDER GRANTING THE  
 SECRETARY'S EX PARTE APPLICATION  
 TO SERVE PROCESS ON THE  
 SECRETARY OF STATE

HARMONY SOFTWARE, INC., a California  
 corporation, and HARMONY SOFTWARE,  
 INC. 401(k) PLAN, an employee benefit plan,

Defendants.

On December 9, 2008, Plaintiff Elaine L. Chao, Secretary of Labor, United States  
 Department of Labor ("Secretary"), filed an Ex Parte Application pursuant to Civil L.R. 7-10,  
 seeking an Order by this Court allowing service of process on Defendants Harmony Software,  
 Inc. and the Harmony Software, Inc. 401(k) Plan, by serving the California Secretary of State  
 pursuant to Fed. R. Civ. P. 4(e), Cal. Corp. Code §§ 1700 and 1702 (West 2006), and Cal. Civ.  
 Proc. Code § 416.20(b) (West 2006).

Upon consideration of the motion and for good cause appearing, the Secretary's Ex Parte  
 Application to Serve Process on the Secretary of State is hereby **GRANTED**.

Accordingly,

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2 1. As the proper agent for service of process for the Defendant Harmony Software, Inc.  
3 401(k) Plan is its corporate sponsor, Defendant Harmony Software, Inc., the California Secretary  
4 of State shall accept service on behalf of the Defendant Harmony Software, Inc. 401(k) Plan. In  
5 addition, the Secretary of State shall accept service on behalf of Defendant Harmony Software,  
6 Inc., which conducted business in California as a domestic corporation until the California  
7 Secretary of State suspended all of Defendant Harmony Software, Inc.'s corporate rights, powers  
8 and privileges on January 13, 2005, and for which no authorized agent for service of process can  
9 with reasonable diligence be found at the address designated for personally delivering process;  
10 and  
11

12 2. The California Secretary of State shall promptly give notice to Harmony Software, Inc.  
13 of the service of process of the claim filed against it and the Harmony Software, Inc. 401(k) Plan.  
14 The address for service of process is 107 South B Street, San Mateo, California 94401; and

15 3. Plaintiff shall serve the Summons and Complaint on the California Secretary of State no  
16 later than thirty days from the date of this Order.

**IT IS SO ORDERED.**

18 Dated: January 15, 2009

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21   
22 JAMES LARSON  
23 UNITED STATES MAGISTRATE JUDGE  
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